

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Phillip J. Green

v.

Case No. 1:20-mj-00296

DEMARIO OCTAVIOUS MORGAN,

Defendant.

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged in a Criminal Complaint with possession with intent to distribute controlled substances 100 or more grams of heroin, cocaine base, fentanyl and diphenidine, and possession of firearms in furtherance of a drug trafficking crime in violation of 21 U.S.C. § (a)(1) and 18 U.S.C. § 924(c)(1)(A)(i). Given that probable cause was found in the preliminary hearing and the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis he is a danger to the community, 18 U.S.C. § 1342(f)(1), and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on August 3, 2020, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record the Court finds that defendant has rebutted the presumption of

detention regarding risk of non-appearance, but not as to danger to the community. The Court also finds, as explained on the record, that the government has sustained its burden by clear and convincing evidence that he is a danger to the community. Further, the Court finds that there is no condition or combination of conditions of release that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on August 3, 2020.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge